



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 28, 2021

Street L. Tom
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

In re:

MICHAEL STEPHEN GALMOR,
Debtor.

KENT RIES,

Plaintiff,

V.

GALMOR FAMILY LIMITED
PARTNERSHIP and GALMOR
MANAGEMENT, L.L.C.,

Defendants.

¶

Case No.: 18-20209-RLJ-7

Adversary No. 20-02003

ORDER

On December 14, 2021, hearing was held on the motion for partial summary judgment of plaintiff Kent Ries, Trustee of the bankruptcy estates of Michael Stephen Galmor and

Galmor's/G&G Steam Service, Inc. The defendants, Galmor Family Limited Partnership and Galmor Management, L.L.C., oppose the motion.

Upon consideration of the pleadings and briefs filed in support of the respective parties' positions, the proffered summary judgment evidence, and the arguments of counsel, the Court concludes that the motion must be denied.

Through the affidavit of Stephen Galmor, the Trustee has presented a factual basis for his claims for breach of contract, money had and received, and quantum meruit. The Court thus need not determine the admissibility of the other forms of evidence submitted by the Trustee. The Galmor Defendants, however, have submitted evidence which brings the credibility of Stephen Galmor into question and raises genuine issues of material fact for each of the Trustee's claims. Because the Court cannot determine issues of credibility nor decide genuine issues of material fact at the summary judgment stage, the Court must deny the Trustee's motion for summary judgment. It is, therefore,

ORDERED that the Trustee's motion for partial summary judgment is denied.

End of Order